

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GLENN M. DAVIS,

Petitioner,

v.

STATE OF WISCONSIN,

Respondent.

OPINION AND ORDER

18-cv-275-bbc

Petitioner Glenn M. Davis has filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254. He challenges his 1997 judgment of conviction entered by the Circuit Court for Milwaukee County, Wisconsin, on four counts of third degree sexual assault of a child. Because petitioner has already filed two previous petitions challenging this conviction, this petition must be denied.

In case no. 09-cv-353-bbc, I explained to petitioner that he had filed a habeas corpus petition challenging this same conviction and sentence in 2008, in the United States District Court for the Eastern District of Wisconsin, Davis v. Boatwright, 1:08-cv-0212-WCGA, which was dismissed on several grounds. Under 28 U.S.C. § 2244(b)(3)(A), a petitioner may not file a second or successive application in the district court unless he first obtains an order from the appropriate court of appeals authorizing the district court to consider the application. Petitioner had not obtained an order from the Court of Appeals for the Seventh Circuit authorizing him to file a successive petition

when he filed his petition in 2009, nor has he shown that he has obtained authorization for the present petition. Accordingly, this court must dismiss the petition.

ORDER

IT IS ORDERED that the petition for a writ of habeas corpus filed by Glenn M. Davis is DISMISSED without prejudice for petitioner's failure to obtain the necessary preliminary authorization required by 28 U.S.C. § 2244(b)(3)(A).

Entered this 16th day of May, 2018.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge